

Serial No.: 09/764,649
Amendment Dated: December 23, 2003
Reply to Office Action of June 26, 2003

R E M A R K S

The Examiner's comments in the June 26, 2003, Office Action have been carefully considered. Reexamination of the present Application in view of the following remarks and the preceding amendments is respectfully requested.

In the Drawings

In Figure 5, erroneously entered reference number 71 has been replaced by previously missing reference number 105 in three instances. This change addresses an objection raised by the Examiner and approval of the replacement sheet of drawings is respectfully requested.

Status of Claims

Claims 1, 3-7, and 9-11 remain in this application. Claims 1 and 7 have been amended and Claims 2 and 8 have been cancelled, their subject matter having been incorporated into Claims 1 and 7, respectively. Claims 3-6, 9, and 10 have been amended to correct claim dependencies in view of the foregoing cancellations.

Section 102(b) Rejections

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated under one or more of several cited patent documents.

A Section 102 analysis begins with the often-repeated standard:

Anticipation under 35 U.S.C. Section 102(e) requires that

"each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."
Verdegall Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)

In re Robertson, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999).

Serial No.: 09/764,649
Amendment Dated: December 23, 2003
Reply to Office Action of June 26, 2003

Both independent claims as presently amended recite the structural elements of (1) a connector bolt pivotally received within the outer casement; and (2) an angular locking plate fixedly attached to a projecting portion of the connector bolt. These elements are missing from any and all of the references cited by the Examiner under the §102(b) rejections. As such, the rejections, and each of them, are unsupported by the cited art and should be withdrawn. A more detailed analysis directed specifically to Ampian, U.S. Patent No. 5,207,755, is provided in the §103 discussion that follows.

Section 103(a) Rejection - Ampian

Claim 4 has been rejected as unpatentable under 35 U.S.C. 103(a) based upon the disclosure of Ampian in view of Hsu, U.S. Patent No. 6,016,586. Claim 4 depends from amended Claim 1, and now includes the above connector bolt - fixedly attached angular locking plate limitations discussed above.

The comparable fastening technology taught by Ampian is depicted in Figure 5 and consists of a pivot pin 92:

Additionally, the lock receiving member 80 and the lock supporting member 82 respectively have a center holes 88 and 90 into which is disposed a pivot pin 92 pivotally coupling the coupling member to the handle,... (Col. 4, lines 61-65).

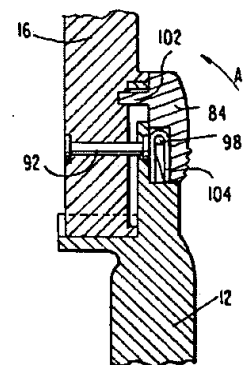


FIG. 5

Although Ampian then notes, "any conventional manner of pivotally connecting the lock receiving member 80 to the lock supporting member would suffice," Ampian specifically provides additional structure to support the pivot

pin (92) connection between the coupling member 16 and the handle 12:

An arcuate bearing surface 94 is provided on the lock supporting member 82 to assist in supporting the lock receiving member 80, as illustrated in FIG. 4. (Col. 4, line 68 - Col. 5, line 3).

The narrow slot formed between the arcuate bearing surface 94 and the matching circular outer surface of the coupling member invites rotational immobility

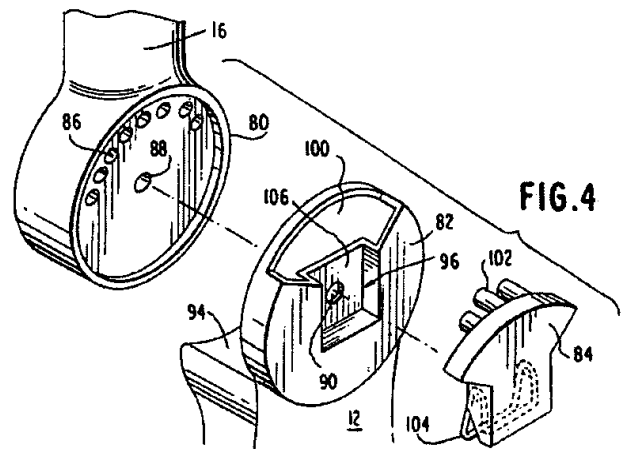
caused by dripped, then dried paint or cleaning solutions.

The arcuate bearing surface of Ampian is unneeded and unwanted where Applicant provides a connector bolt that is fixedly attached to the angular locking plate.

Prima facie obviousness does exist when the prior art suggests or anticipates the benefits of modifying or combining references or when external factors, such as the changing state of the art, provide the motivation to one of ordinary skill in the art to make the modification or combination. However, where no reasonable intrinsic or extrinsic justification exists for the proposed combination or modification, *prima facie* obviousness will not have been established.

In re Regel, 188 U.S.P.Q. 132 (CCPA 1975).

Ampian can, at most, have disclosed an invitation to modify the pivotal connection of the lock receiving member 80 to the lock supporting member in the language quoted above. There is no disclosure suggesting removal of the arcuate bearing surface or the use of a connector bolt fixedly attached to angular



Serial No.: 09/764,649
Amendment Dated: December 23, 2003
Reply to Office Action of June 26, 2003

locking plate structure that, in turn, permits removal of the arcuate bearing surface 94 with its inherent susceptibility towards fouling. Withdrawal of the \$103 rejection under Ampian is respectfully requested.

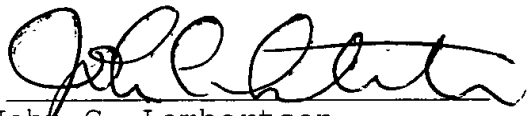
Conclusion

The fees required for an Extension of Time accompany this Amendment. If there are any questions or other issues that might be resolvable by a telephone call with Applicant's counsel, the Office is invited to place same at the number indicated below.

Respectfully submitted,

KENEHAN & LAMBERTSEN, LTD.

Dated: 23 Dec 2003

By: 
John C. Lambertsen
Registration No. 29,400
1771 E. Flamingo Road
Suite 211B
Las Vegas, NV 89119-5154
(702) 796-3476

KBRY.01P.AMND